

MESSAGE NO: 3078303 MESSAGE DATE: 03/19/2013

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: INSCO-In Scope

FR CITE: FR CITE DATE:

REFERENCE 2005304
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: 03/07/2013 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Scope determination on antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504).

1. On 3/07/2013, in response to a request from Signature Brands LLC, Commerce issued a final scope determination that 17 of the 22 candles which Signature Brands LLC imports are within the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504).

2. Because the imported products do not fully satisfy the four criteria under 19 CFR 351.225(k)(2) that the Department found relevant for this scope ruling, as explained below, Commerce found these 17 products to be within the scope of the order:

Black and White Candles (Barcode 0-71169-10700-8)

Building Block Candle (Thick model) (Barcode 0-71169-81418-0)

Building Block Candle (Thin model) (Barcode 0-71169-81418-0)

Cars Candles (Barcode 0-71169-22412-5)

Coil Candle (Barcode 0-71169-81419-7)

Crazy Curl Candle (Barcode 0-71169-10510-3)

Daisy Candle (Barcode 0-71169-20898-9)

Magic Wand Candle (Barcode 0-71169-22510-8)

Metallic Rings Candle (Barcode 0-71169-81451-7)

Neon Crazy Curl Candle (Barcode 0-71169-15662-4)

Pearlescent Candle (Barcode 0-71169-81218-6)

Squiggle Candle (Barcode 0-71169-15667-9)

Stacked Stripes (Barcode 0-71169-10511-0)

Starlight Candle (Barcode 0-71169-20896-5)

Super Star Candles (Barcode 0-71169-15899-4)

Sweet Scoop Candle (Barcode 0-71169-79081-1)

Winnie the Pooh Candle (Barcode 0-71169-22500-9)

Physical Characteristics:

a. These candle models are small, thin and lightweight and, thus, suitable for placing on top of a

- cake, cupcake, or other confection for the birthday occasion.
- b. These candle models have a burn time of one hour or less.
 - c. These candle models are unscented.
 - d. The height of these candle models does not exceed 4.25 inches.
 - e. The diameter or thickness of the candle's stem portion does not exceed 3/8 or 0.375 inches.
 - f. The weight of each of these candle models does not exceed 8.13 grams.
 - g. The candles are sold in multiple candle packages containing three-24 candles.
 - h. These 17 candles are not clearly labeled as birthday candles.
 - i. These candle models do not contain stearic acid (stearin).
 - j. These candle models are food-safe in accordance with federal guidelines.
- These candles are in compliance with the federal ban on cadmium content.
 - These candles are in compliance with the federal ban on lead content.
 - For the candle models that use a candle holder, these use a plastic that is food-safe in compliance with FDA regulation.

Expectation of the Ultimate Purchasers:

- k. These 17 candle models are not clearly labeled as "birthday candles," and as such, are considered cake-top candles.
- l. There is no expressed specific consumer expectation for the use of these 17 candle models. That is, because the candles are not clearly labeled as birthday candles, they fail to generate a specific expectation as to what occasion they would be used for.

Ultimate Use of the Product:

- m. The 17 included cake-top candles can be used in a one-time, disposable manner for a number of occasions, as they are generically labeled as "party," "novelty" candles, etc.

Manner in Which the Product is Advertised and Displayed:

- n. These cake-top candle models are advertised and displayed in the baking section of grocery stores and supermarkets.
- o. These cake-top candle models may also be advertised and displayed in the birthday or baking sections of party stores.
- p. When these cake-top candle models are sold in other retail establishments (e.g. drug stores, etc.) they are advertised and displayed together with birthday candles in the birthday or baking sections (i.e., separated from other subject candles which are advertised and displayed in the home decoration section).
- q. Record evidence does not show that these 17 cake-top candle models are clearly advertised and displayed as "birthday candles" when sold online.
- r. These 17 cake-top candle models, in any of the channels of trade discussed above, are labeled

as party or generic candles and may be advertised and displayed along with other birthday items (e.g. cake decoration materials, decorative icing, birthday cards, etc.).

Therefore, 17 of Signature Brands LLC's products are within the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504).

This scope ruling and the analysis under 19 CFR 351.225(k)(2) above do not pertain to birthday numeral candles, which remain excluded according to message number 2005304, dated 01/05/2012.

3. Continue to suspend liquidation of entries of petroleum wax candles from the People's Republic of China, including Signature Brands LLC's products imported by Signature Brands LLC, subject to the antidumping duty order on petroleum wax candles from the People's Republic of China.

4. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O9: RMR)

5. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party